



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Vice-Chair

Robert Rivas  
District No. 3

Jerry Muenzer  
District No. 4

Jaime De La Cruz  
District No. 5  
Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

## REGULAR MEETING JULY 24, 2012 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors De La Cruz, Botelho, Rivas, Muenzer and Barrios were present. Also present were County Administrative Officer Rich Inman, County Counsel Matt Granger and Asst. Clerk of the Board Janet Slibsager. Chair De La Cruz presided.

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Muenzer led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS AND RECOGNITIONS:**

**Present Proclamations to the San Benito Health Foundation declaring August 5-11, 2012 as Health Center Week, August 2012 as Breastfeeding Awareness Month and the week of August 5-11, 2012 as Farm Worker Health Week in San Benito County.**

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** all three Proclamations. (Unanimous) File #430*

Supervisor Muenzer presented Proclamation for Health Center Week in San Benito County to the San Benito Health Foundation.

Supervisor Barrios presented Proclamation for Breastfeeding Awareness Month to Catherine Farnham, Public Health Nurse for San Benito County.

Ms. Farnham provided a handout and spoke in regards to the importance of breastfeeding.

Supervisor Botelho presented Proclamation for Farm Worker Health Week in San Benito County to San Benito County Health Foundation.

**Present Certificate of Recognition to Joe Guerrero on winning the title of “Mr. California, 2012”.**

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** Certificate of Recognition. (Unanimous) File #156*

Supervisor Rivas presented Mr. Guerrero with the Certificate of Recognition honoring him for winning the title of Mr. California 2012.

Mr. Guerrero thanked the County Board of Supervisors for the recognition.

- d) **Public Comment:** Gary Richard Arnold spoke in regards to how the Board of Supervisors is allowing the authority leave their control by moving it to regional agencies like COG and AMBAG and the affects by doing so.

Jeanette Cooper, Youth Alliance Case Manager, spoke in regards to the monies that are going to possibly be cut from the Youth Alliance Program which is a program that works with at risk youth in San Benito County and how it is going to affect the program.

Yarim Castillo spoke as to how the program helped him out and how he doesn't want to see the program cut.

Diane Ortiz, Executive Director of Youth Alliance, spoke in regards to the program and that with the help of Chief Probation Office Brent Cardall and Gang Prevention Coordinator Al De Vos they have been able to work together to help the youth in San Benito County. Ms. Ortiz said that they can't afford to have this program cut.

Belen Martinez, of In Home Supportive Services, said that they were glad that the State was able to reach an agreement and was able to extend the program. She also thanked Gifford Swanson for his service to the program.

- e) **Department Head Announcements:**

Public Works Administrator Steve Wittry announced that there would be a public workshop held on August 1<sup>st</sup> at 6:00 p.m. at the Veterans Memorial Building for River Parkway Trail community input.

CAO Rich Inman announced that Item 28 was being pulled from the Agenda.

- f) **Board Announcements, Introductions and Presentations:**

Supervisor Botelho spoke in regards to a community concern in his District in Aromas pertaining to the extraction of gas or oil and how the community is concerned of the type of extraction. He said that he would like to bring back to the Board for discussion as to what type of protections could be put in place to eliminate some of their concerns.

Supervisor Barrios thanked Steve Wittry from Public Works for joining her in North County to look at the roads that are in need of repair.

Supervisor Barrios announced that YMCA is having their annual fund raiser on August 24<sup>th</sup> at San Juan Oaks and how the monies that are raised at the golf tournament will be used to help San Benito County youth and their families in San Benito County.

Supervisor Barrios announced that Senator Canella with the help of Supervisor Botelho have put a form together at First 5 to address the length of truck trailers that are being ticketed by CHP on local country roads and how to address it.

Supervisor Muenzer announced that he took three field trips; one day with Manager of BLM Rick Cooper and they toured the Clear Creek and New Idria Area; another was at Hollister Hills with Assemblyman Alejo and the last one with Public Works Administrator Steve Wittry and they traveled Coalinga Road to the

County Line. Supervisor Muenzer asked the public to bear with them, they would be addressing the roads as best they can.

Supervisor Rivas announced that AMBAG has hired a new Executive Director effective August 12<sup>th</sup>.

**CONSENT AGENDA:**

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer **approved** Consent Agenda items with the exception of Items 5, 17, 22, 23, 25 and 26 which were pulled for discussion. (Unanimous)*

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** contract with the Department of Food & Agriculture to provide Asian Citrus Psyllid detection services for the period of March 1, 2012 through September 30, 2012, for a total of \$20,923. *File #1.1*

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 2) **Approved** contract with the Department of Food & Agriculture to provide Nursery Inspection Services for the period of July 1, 2012 through June 30, 2013, for a total of \$1,507.00. *File #1.1*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 3) **Approved** contract renewal with K & R Manor and Salvador Lodge for board and care for the FY 2012-13, for a total annual maximum amount not to exceed \$15,000.00. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 4) **Approved** contract renewal with Unity Care Group, Inc. for residential treatment facility for the FY 2012-13, for a maximum amount of \$40,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 5) **Approved** contract renewal with the Hollister Youth Alliance for Mental Health Services Act, prevention and early intervention services for the FY 2012-13, for a maximum amount not to exceed \$161,610. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 6) **Approved** contract renewal with Front Street, Inc. for residential care facility for the elderly for the FY 2012-13, for a maximum amount not to exceed \$48,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 7) **Approved** contract renewal with Merced County for psychiatric health facility and outpatient clinic services for the FY 2012-13, for a maximum amount of \$75,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 8) **Approved** contract renewal with 7<sup>th</sup> Avenue Skilled Nursing Facility for the FY 2012-13, for a maximum amount of \$89,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 9) **Approved** contract renewal with Country Villa Merced Behavioral Health Center for skilled nursing services for the FY 2012-13, for a maximum annual amount of \$89,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 10) **Approved** contract renewal with Mary Helen Lopez, for therapy services for bicultural/monolingual Spanish speakers for the FY 2012-13, for a maximum annual total of \$20,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 11) **Authorized** the Behavioral Health Director to sign the amended Multi-Year Negotiated Net Amount Contract Agreement with the State Department of Alcohol and Drug Programs for DY 2010-11 through FY 2012-13; and **adopted Resolution No. 2012-37**, approving the amended Multi-Year Negotiated contract agreement. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 12) **Approved** contract renewal with St. Helena Hospital Center for acute psychiatric hospital services for the period of July 1, 2012 through June 30, 2013, for a maximum amount not to exceed \$70,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 13) **Approved** contract renewal for John Muir Behavioral Health Center for acute psychiatric hospital care for the period of July 1, 2012 through June 30, 2013, for a maximum total not to exceed \$70,000. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 14) **Approved** contract renewal with the Department of Mental Health (DMH) and Department of Healthcare Services (DHCS) for mental health services funding the period of April 1, 2012 to December 31, 2012 and authorized the Behavioral Health Director to sign said contract; **adopted Resolution No. 2012-38**, approving the Mental Health Program contact with the California State Department of Mental Health and the State Department of Healthcare Services. *File #810*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 15) **Approved** contract with InSight, The Foundation for Life, Sober Living Environment (SLE) for the term of August 14, 2012 to September 30, 2013 for a maximum total of \$50,000. *File #810*

**CLERK OF THE BOARD – D. Thome:**

- 16) **Approved** the action minutes of the June 29, 2012 special meeting.

**COUNTY CLERK/AUDITOR/RECORDER – J. P. Gonzalez:**

- 17) **Adopt Resolution accepting the certified Statement of Election Results for the June 5, 2012 Presidential Primary Election. (Res. No. 2012-39)**  
*Item pulled for discussion.*

Clerk/Auditor/Recorder Joe Paul Gonzalez pulled item to replace page to correct the date on Certification page from May to June 29, 2012.

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **adopted Resolution No. 2012-39**, accepting the certified Statement of Election Results for the June 5, 2012f Presidential Primary Election. File #285

**COUNTY CLERK/AUDITOR/RECORDER – J. P. Gonzalez:**

- 18) **Adopted Resolution No. 2012-40**, authorizing the County Elections Official to accept applications for confidential voter affidavit of registration of public safety officers pursuant to Election Code 2166.7. File #285

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 19) **Re-appointed** Mr. Alex Arias to the Workforce Investment Board to represent the private sector for a three year term effective July 28, 2012 through July 27, 2015. (CSWD) File #939

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 20) **Approved** MOU Employment Development Department (EDD) to provide reemployment and eligibility assessment services; and authorized the Deputy Director to sign said MOU. (CSWD) File #939

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 21) **Approved** First Amendment to agreement with San Jose State University for Clinical Affiliation for the period of September 1, 2012 through August 30, 2016; and authorized the Interim Director of San Benito County HHSA to sign said amendment. File #130

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 22) **Approve the Housing Opportunities for Persons with Aids (HOPWA) contract in the amount of \$50,000 with the City of San Jose from July 1, 2012 to June 30, 2013; and authorize the H&HSA Interim Director to sign said contract and any amendments to such grant.**  
*Item pulled for discussion.*

Supervisor Muenzer had question as to why the contract date was going back to July 1, 2012.

Deputy Director Enrique Arreola provided explanation.

**BOARD ACTION:** Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** item as presented. File #939

**PLANNING DEPARTMENT – G. Armstrong:**

- 23) **Approve temporary closure of the Planning & Building Department and the Public Works to re-locate offices on August 9<sup>th</sup>, 10<sup>th</sup> and possibly 12<sup>th</sup>, 2012 for Public Works and August 16<sup>th</sup> and 17<sup>th</sup> 2012 for Planning & Building Department.**  
*Item pulled for discussion.*

Supervisor Barrios questioned if there would be messages on phone for the community advising them that the office would be closed while moving.

Public Works Administrator Steve Wittry announced that the dates requested are being kicked out a week. Mr. Wittry also said that there would continue to be phone coverage during the move.

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** temporary closure of the Planning & Building Department and the Public Works Department for two days for the middle of August. File #790

**PROBATION DEPARTMENT – B. Cardall:**

- 24) **Approved** the Community Corrections Partnership's (CCP) proposed budget for the AB109 funding; and **authorized** the Chief Probation Officer to transfer funding accordingly. File #510

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 25) **Accept all responsive bids and award contract to Anderson Pacific Engineering Construction, Inc., as the lowest responsive, responsible bidder for supplying materials for and construction of Stonegate Water Supply Project No. PWB-1204 in the amount of \$638,262.00 and authorize the Public Works Administrator to sign agreement and issue change orders in an amount not to exceed \$44,413.00.**

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** item as presented. File #CSA #31

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 26) **Adopt Resolution making CEQA findings, accepting Grants of Easement for Water Supply Facilities to serve CSA #31 Stonegate-formerly Diablo Hills Subdivision, authorizing payment for such easements and taking other related action.**

*Item pulled for a correction on the Resolution.*

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **adopted Resolution No. 2012-41**, making CEQA findings, accepting Grants of Easement for Water Supply Facilities to serve CSA #31 Stonegate-formerly Diablo Hills Subdivision, authorizing payment for such easements and taking other related action. File #CSA #31

**SITTING AS THE PUBLIC AUTHORITY FOR IN- HOME SUPPORTIVE SERVICES:**

*The Board adjourned as the Board of Supervisors and reconvened as the IHSS Public Authority:*

**IN-HOME SUPPORTIVE PUBLIC AUTHORITY – M. Corona:**

- 27) **Approve MOU Amendment with In-Home Supportive Services Public Authority and the SEIU United Long Term Care Workers to extend MOU to December 31, 2014.**

**BOARD ACTION:** Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, **approved** item as presented. (Unanimous) File #130.1

The Board adjourned as the IHSS Public Authority and reconvened as the Board of Supervisors:

**REGULAR AGENDA:**

**COUNTY ADMINISTRATION – R. Inman:**

- 28) Presentation by Marty Richman concerning economic issues.  
*This item was pulled from the agenda. File #119*

**FIRST 5 SAN BENITO – L. Faulkner:**

- 29) **Approve Memorandum of Understanding and letter of support between San Benito County Board of Supervisors on behalf of the Dunne Park Collaborative and between Salud Para La Gente.**

First 5 Executive Director and Dunne Park Collaborative Leader Lisa Faulkner spoke in regards to the MOU and the letter of support between San Benito County Board of Supervisors on behalf of the Dunne Park Collaborative.

Discussion ensued by Board and staff.

Marty Richman, Hollister resident, thanked Supervisor Barrios, Ms. Faulkner, Vickie Montoya and everyone involved for proceeding to get a grant for safe neighborhoods.

Health Foundation Administrator Vivian Fernandez mentioned that the Health Foundation has been at the table from the beginning and thanked everyone for their support.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **authorized** Chair to sign the MOU and letter of support between San Benito County Board of Supervisors on behalf of the Dunne Park Collaborative and between Salud Para La Gente and including any amendments to the MOU. (Unanimous) File #1055*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 30) **Report on CSA #36 Emergency Medical Services and Advanced Life Support Definition of Intent and Funding Allowances.**

EMS Coordinator Marcie Morrow provided an update to whether funds could be used to support fire services as related to EMS calls. Ms. Morrow stated that review of these documents leads her to believe the intent of CSA #36 was created to establish and maintain Advanced Life Support Paramedic services governed by an EMS Agency as described by Title 22. It was her opinion that CSA #36 funds are limited in use as described in the original Resolution. In conversation with County Counsel to use the funds for anything beyond the original intent would require 218 process and a vote by the public.

Supervisor Botelho said that he had asked that this be put on the agenda because we recognize that we have a very serious issue as far as providing emergency services to this county.

Supervisor Botelho questioned limiting fire response on medical calls and putting a third person on our ambulance units so that we would still have adequate personal on the ambulance most of the time. Supervisor asked Ms. Morrow if this would be possible.

Ms. Morrow replied that it would require a lot of research first off and the ambulance is really the way to try and fix this problem. She said they could look at historical data, response times and the number of calls that would really

benefit the Fire Department and a true medical priority dispatch systems which we have available through Santa Cruz Regional 911.

Ms. Morrow said that she thinks that we need to look at all the data so that we are not jumping into something hastily that is going to cost a lot of money and not work at the end. She said that they are very willing to look at other options.

Supervisor Botelho mentioned on the funding we pay this \$14.08, that money goes to running EMS none of it goes to the ambulance company except for reimbursement of materials, so maybe we have to look at our own organizational structure to assure that maybe we can afford that staffing on the unit.

Ms. Morrow replied that a large part of that money goes towards training and education for the Fire and EMS people.

Supervisor Barrios stated that she supported Supervisor Botelho's idea. Supervisor Barrios spoke in regards to the benefit assessment unit and the level of training that is needed to have someone on an ambulance with the right training for that scope of work.

Ms. Morrow replied that currently the level of training is consistent across the board.

Supervisor Barrios mentioned that this is something that could be reviewed by the County Wide Fire Committee.

Supervisor Muenzer concurred that this warrants further research and reporting back to the Board of Supervisors. *File #1068*

#### **PLANNING DEPARTMENT – G. Armstrong:**

#### **31) Status report on the Comprehensive General Plan Update and provide direction to staff.**

Planning Director Gary Armstrong provided a PowerPoint presentation on the update to the General Plan. Items that Mr. Armstrong covered were: What is a General Plan; county regulatory structure; project schedule; public outreach process; project website; available project documents on website; preferred alternative; new community study and CEQA process.

Mr. Armstrong said that staff has provided two possible options but the Board may direct staff to other options or variations: Option 1, which was staff's recommendation) is to proceed to the public review incorporating County comments, the wording in the Environmental Impact Report (EIR) documents could be modified as legally defensible to more openly discuss the potential for growth in these new communities, if it is felt to be lacking. Option 2, would be to revise the traffic section to incorporate the Valley Transit Authority (VTA) counts for northern regional highways. That would consist of Hwy 152, 25 and 101. The great bulk of the county and the great bulk of the traffic study would still retain the AMBAG traffic model, so this would just be an addition. However, this would have a ripple effect throughout the document it would affect green house gas section and several other sections throughout the document, and we currently have no budget allotted to perform these functions.

Mr. Armstrong announced that they were ready to answer questions; they had Jim Harnish from Mintier Harnish and representatives from Hexagon traffic consultant.

Those speaking from the public were: Scott Fuller, San Juan Oaks Golf Course; Robert Scales, Parsons Transportation Group; Marty Richman, Hollister



resident; Richard Saxe, Aromas resident; Jeannette Langstaff, Hollister resident, and Richard Bettencourt, Hollister resident.

Public comment period was closed.

Discussion ensued by Board and staff.

Jim Harnish, Project Manager from Mintier Harnish addressed question on traffic model from a planner's perspective. Mr. Harnish spoke about the AMBAG model and the VTA model.

Supervisors directed questions to Mr. Harnish. Mr. Harnish addressed questions.

Van Houten, Hexagon Transportation Consultant spoke in regards to the traffic study analysis and how the model is driven by land use.

Discussion ensued by Board, Hexagon Transportation Consultant and staff.

Jeff Elia with Hexagon replied to question from Supervisors that certain sections of Hwy 25 would be 4-6 lanes based on traffic study as it is now.

Chair De La Cruz asked what was the pleasure of the Board.

Supervisor Botelho said that they should proceed with option 1, proceed with policy and EIR documents as currently drafted and move toward public review incorporating on the staff's comments and study the level of service as a policy goal as a separate agenda item at a future date.

Supervisor Muenzer concurred with option 1.

Supervisor Barrios said that she would rather have staff perform the additional edits ahead of time that way there would be less comments to respond to. She said staff has been given enough direction to know where they want to go with this, and then put it out to the public. She said that she would only support option 1 if that was done first. She said that she would like to see the level of service d rather than c and put in the way of a motion.

Supervisor Rivas said that he agreed with Supervisor Barrios in everything that she said.

***BOARD ACTION:*** *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **moved** to change Level of Service (LOS) from c to d and that the draft EIR is edited by staff and consultant to include more flexibility and address the wording of unplanned growth so that we can process applications for development in the community studies without issue.*

Discussion was made by Board and staff to discuss the Level of Service (LOS) portion c and d at a separate meeting.

Supervisor Rivas asked staff how much time they would need?

Public Works Administrator Steve Wittry replied about 30 days.

Mr. Armstrong commented that they can't finish the document until they resolve the level of service issue, they can work on many of the other issues but it would hold up the EIR from going public until resolved.

A Roll call vote was taken to move the level of service portion of the motion to a separate Board meeting:

Botelho – Yes

Rivas – Yes

Muenzer – Yes

Barrios – Yes

De La Cruz – Yes

(Unanimous) *File #790*

Board adjourned at 12:30 p.m. and reconvened at 1:40 p.m. for closed session.

**CLOSED SESSION:**

**32) Public Employee Appointment**  
**Government Code Section 54957**  
**Title: Director County of San Benito Health and Human Services Agency**  
*No Reportable Action. File #235.6*

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*The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:*

AYES:	SUPERVISORS:	De La Cruz, Botelho, Rivas, Muenzer, Barrios
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business, the Board adjourned at 1:57 p.m. to **August 14, 2012 at 9:00 a.m.**

**JAIME DE LA CRUZ, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**  
Janet Slibsager, Asst. Clerk of the Board